

Response to Amendment

Amendment received on 06/09/2010 is acknowledged and entered. Claims 13-34 are currently pending in the application.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a personal interview with an applicant's representative (Reg. No.: 54,146) on Wednesday, August 4, 2010.

The application has been amended as follows:

IN THE CLAIMS

1-12 (Canceled):

13. (Currently Amended): A computer implemented method for distributing a customized video commercial, wherein all steps are performed by the computer, said method comprising:

(i) receiving from an advertiser a request to create a customized video commercial, said request comprising (a) identification of a target audience to whom said customized video commercial is to be distributed and (b) a sample video commercial comprising a plurality of sample video segments and a plurality

of sample audio segments, wherein said sample video commercial has an advertising message;

(ii) generating a video commercial template in response to receiving said request, said video commercial template comprising (a) a plurality of fillable video segment slots, each fillable video segment slot arranged at a specific time point within said video commercial template and (b) a plurality of fillable audio segment slots, each fillable audio segment slot arranged at a specific time point within said video commercial template;

(iii) storing in a resource library (a) a plurality of video segments, each video segment forming a portion of a ~~complete~~ customized video commercial to be created and (b) a plurality of audio segments, each audio segment forming a portion of a complete video commercial;

(iv) defining one or more rules for filling said plurality of fillable video segment slots with said video segments and for filling said plurality of fillable audio segment slots with said audio segments based on defined characteristics which are to be acquired regarding said target audience;

(v) acquiring characteristics regarding said target audience from one or more sources;

(vi) filling said fillable video segment slots with said video segments and said fillable audio segment slots with said audio segments based on said defined rules and said acquired characteristics to create said customized video commercial; and

(vii) distributing, ~~contemporaneously~~ in real-time with filling said video and audio slots, said customized video commercial to said target audience, wherein said customized video commercial has at least one of a video segment and an audio segment that is different from said sample video segment and sample audio segment respectively, and wherein said customized video commercial has at least one video segment or audio segment that is the same as at least one of said sample video segment or sample audio segment.

Art Unit: 3628

14. (Previously presented): The method of claim 13, wherein said resource library comprises video segments and audio segments created specifically for said customized video commercial.

15. (Canceled)

16. (Previously presented): The method of claim 13, wherein said video commercial template further comprises an animation slot arranged at a specific time point within said video commercial template.

17. (Previously presented): The method of claim 13, wherein said video commercial template further comprises an image slot arranged at a specific time point within said video commercial template.

18. (Previously presented): The method of claim 13, wherein said characteristics regarding said target audience is acquired from a profile database.

19. (Currently Amended): The method of claim 13, wherein said characteristics regarding said target audience include demographics, address, monetary income, ~~political affiliations~~, known preferences, buying patterns, or combinations thereof.

20. (Previously presented): The method of claim 13, wherein said customized video commercial is distributed to said target audience using a television distribution medium.

21. (Canceled)

22. (Currently Amended): A system for a non-transitory computer-readable medium having computer-readable instructions stored therein which, when

executed by the computer, causing the computer to implement a method for distributing a customized video commercial, ~~said system~~ comprising:

(i) ~~means for~~ receiving from an advertiser a request to create a customized video commercial, said request comprising (a) a target audience to whom said customized video commercial is to be distributed and (b) a sample video commercial comprising a plurality of sample video segments and a plurality of sample audio segments, wherein said sample video commercial has an advertising message;

(ii) ~~means for~~ generating a video commercial template in response to receiving said request, said video commercial template comprising (a) a plurality of fillable video segment slots, each fillable video segment slot arranged at a specific time point within said video commercial template and (b) a plurality of fillable audio segment slots, each fillable audio segment slot arranged at a specific time point within said video commercial template;

(iii) ~~means for~~ storing in a resource library (a) a plurality of video segments, each video segment forming a portion of a ~~complete~~ customized video commercial to be created and (b) a plurality of audio segments, each audio segment forming a portion of a complete video commercial;

(iv) ~~means for~~ defining one or more rules for filling said plurality of fillable video segment slots with said video segments and for filling said plurality of fillable audio segment slots with said audio segments based on characteristics regarding said target audience;

(v) ~~means for~~ acquiring characteristics regarding said target audience from one or more sources;

(vi) ~~means for~~ filling said fillable video segment slots with said video segments and said fillable audio segment slots with said audio segments based on said defined rules and said acquired characteristics to create said customized video commercial; and

(viii) ~~means for~~ distributing, ~~contemporaneously in real-time~~ in real-time with filling said video and audio slots, said customized video commercial to said target audience,

Art Unit: 3628

wherein said customized video commercial has at least one video segment or audio segment that is different from said sample video segment or sample audio segment, and wherein said customized video commercial has at least one video segment or audio segment that is the same as at least one of said sample video segment or sample audio segment.

23. (Previously presented): The system of claim 22, wherein said means for acquiring comprises a profile database.

24. (Currently Amended): The system of claim 22, wherein said characteristics regarding said target audience include demographics, address, monetary income, ~~political affiliations~~, known preferences, buying patterns, or combinations thereof.

25. (Previously presented): The system of claim 22, wherein said means for distributing comprises a television distribution medium.

26. (Currently Amended): A ~~method~~ system for distributing a customized video commercial, comprising:

memory for storing a resource library; and
a processor configured for:

~~a computer system configured to perform a method comprising:~~

(i) receiving from an advertiser a request to create a customized video commercial, said request comprising (a) identification of a target audience to whom said customized video commercial is to be distributed and (b) a sample video commercial comprising a plurality of sample video segments and a plurality of sample audio segments, wherein said sample video commercial has an advertising message;

(ii) generating a video commercial template in response to receiving said request, said video commercial template comprising (a) a plurality of fillable video

segment slots, each fillable video segment slot arranged at a specific time point within said video commercial template and (b) a plurality of fillable audio segment slots, each fillable audio segment slot arranged at a specific time point within said video commercial template;

(iii) storing in [[a]] ~~the~~ resource library (a) a plurality of video segments, each video segment forming a portion of a ~~complete video~~ customized commercial and (b) a plurality of audio segments, each audio segment forming a portion of a complete video commercial;

(iv) defining one or more rules for filling said plurality of fillable video segment slots with said video segments and for filling said plurality of fillable audio segment slots with said audio segments based on defined characteristics which are to be acquired regarding said target audience;

(v) acquiring characteristics regarding said target audience from one or more sources;

(vi) filling said fillable video segment slots with said video segments and said fillable audio segment slots with said audio segments based on said defined rules and said acquired characteristics to create said customized video commercial; and

(vii) distributing, ~~contemporaneously~~ in real-time with filling said video and audio slots, said customized video commercial to said target audience, wherein said customized video commercial has at least one of a video segment and an audio segment that is different from said sample video segment and sample audio segment correspondingly, and wherein said customized video commercial has at least one video segment or audio segment that is the same as at least one of said sample video segment or sample audio segment.

27. (Previously Presented): The system of claim 26, wherein said resource library comprises video segments and audio segments created specifically for said customized video commercial.

Art Unit: 3628

28. (Canceled)

29. (Previously Presented): The system of claim 26, wherein said video commercial template further comprises an animation slot arranged at a specific time point within said video commercial template.

30. (Previously Presented): The system of claim 26, wherein said video commercial template further comprises an image slot arranged at a specific time point within said video commercial template.

31. (Previously Presented): The system of claim 26, wherein said characteristics regarding said target audience is acquired from a profile database.

32. (Currently Amended): The system of claim 26, wherein said characteristics regarding said target audience include demographics, address, monetary income, ~~political affiliations~~, known preferences, buying patterns, or combinations thereof.

33. (Previously Presented): The system of claim 26, wherein said customized video commercial is distributed to said target audience using a television distribution medium.

34. (Canceled)

Allowable Subject Matter

Claims 13, 14, 16-20, 22-27 and 29-33 are allowed.

The following is an examiner's statement of reasons for allowance:

Applicant's arguments presented on pages 8-9 of the response filed 06/09/2010 are deemed to be persuasive. For the reasons presented by Applicant, claims 13, 14, 16-20, 22-27 and 29-33 are deemed to be allowable over the best prior art of record (Tarrant in view of Krysiak et al).

While NPL search has been conducted, a pertinent non-patent literature has not been located.

Drawings

New corrected drawings in compliance with 37 CFR 1.121 (d) are required in this application because the drawings submitted 04/07/2000, though technically compliant are of poorer quality.

Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reason for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Igor N. Borissov/

Primary Examiner, Art Unit 3628

08/11/2010